

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ELBY SHARON,

Plaintiff,

Case Number: 07-14253

v.

Hon. Arthur J. Tarnow
Magistrate Judge: R. Steven Whalen

DIPIAZZA AND SONS INC., *et al.*,

Defendants.

/

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
JUDGMENT IN THE AMOUNT OF \$11,000**

Before the Court is Plaintiff's Motion for Entry of Default Judgment [DE 24], against Defendant Dipiazza & Mowett, Inc., filed pursuant to Fed. R. Civ. P. 55.

A clerk's entry of default was entered against Defendant Dipiazza & Mowett, Inc., on December 10, 2007. Defendant did not respond. This Court entered default judgment against Defendant Dipiazza & Mowett on May 29, 2008, but ordered Plaintiff to show cause as to his entitlement to amount of \$11,000.

“Where damages are unliquidated a default admits only defendant's liability and the amount of damages must be proved.” *Antoine v. Atlas Turner, Inc.* 66 F.3d 105, 110 (6th Cir. 1995) (citing *Fehlhaber v. Fehlhaber*, 681 F.2d 1015, 1026 (5th Cir.1982) (*en banc*), cert. denied, 464 U.S. 818 (1983); *Kelley v. Carr*, 567 F.Supp. 831, 841 (W.D.Mich.1983)). Plaintiff has responded to the Court’s show cause order with title history and an affidavit, and has thus demonstrated the amount of damages.

The Court being satisfied that the requirements for a default judgment in the amount of \$11,00 have been met,

IT IS HEREBY ORDERED that Judgment is entered in the amount of \$11,000.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow
United States District Judge

Dated: June 26, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 26, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR
Case Manager
